

Congress of the United States

Washington, DC 20510

January 9, 2017

195

Honorable Ajit Pai
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Commissioner Pai,

We write to request that you act swiftly to approve the item Chairman Tom Wheeler circulated on December 15, 2016 to help address the appalling lack of broadband on tribal lands.

This item follows our December 11, 2015 letter to Chairman Wheeler reminding him that Section 254 of the Communications Act charges the Commission with ensuring that “[c]onsumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas” have access to telecommunications and information services “that are reasonably comparable” to those in urban areas. Yet the 2016 Broadband Progress Report notes that more than half of those living on tribal lands across the lower 48 states lack access to fixed broadband.¹ In New Mexico, 80 percent of those living on tribal lands lack such access. These statistics do not truly convey the real hardships such lack of communications services creates.

We know that you have a deep understanding of how, in your words, “communications services can help bring prosperity, health, and education to Native populations that have not always been given these opportunities.”² At a recent Senate hearing, each of you pledged to support Chairman Wheeler’s effort to take action in 2016 to address the digital divide on tribal lands. Changes to the Connect America Fund, which took effect on January 1st, make it more urgent for each of you to honor your pledge as many of the rate of return carriers that strive to serve residents of tribal lands face reductions in universal service support, which will slow their ability to extend broadband to residents in unserved tribal areas.

While we understand that the Commission has halted action on controversial items during the Presidential transition period, we do not believe this should hinder consideration of the current order to address the digital divide on tribal lands. We further expect that Commissioners should be able to resolve any potential policy concerns and, if necessary, work to improve the item in a timely fashion.

¹ Federal Communications Commission. “2016 Broadband Progress Report.” *available at*:

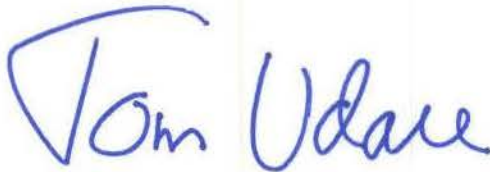
<https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2016-broadband-progress-report>

² Pai, Ajit. “Statement of Commissioner Ajit Pai on Presentation by the Office of Native Affairs and Policy.”

March 20, 2013. *available at*: https://apps.fcc.gov/edocs_public/attachmatch/DOC-319691A6.pdf

We therefore urge you to act quickly to approve the current item before you. Thank you for your consideration and prompt reply.

Sincerely,




Tom Udall
United States Senator



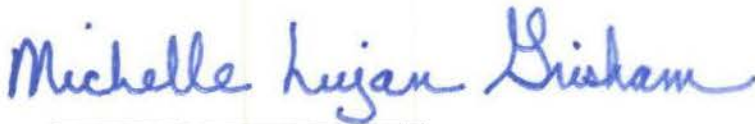
Martin Heinrich
United States Senator



Steve Pearce
United States Representative



Ben Ray Lujan
United States Representative



Michelle Lujan Grisham
United States Representative

cc: Commissioner Mignon Clyburn
Commissioner Michael O'Rielly

encl.: December 11, 2015 letter to Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

March 7, 2017

OFFICE OF
THE CHAIRMAN

The Honorable Michelle Lujan Grisham
U.S. House of Representatives
214 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Grisham:

Thank you for your letter regarding the importance of addressing the lack of broadband on Tribal lands in which you correctly note that I pledged to take action to address the digital divide on Tribal lands. I take this pledge seriously. Last September, when announcing my Digital Empowerment Agenda I explained that "... 41% of those living on Tribal lands lack adequate access" to broadband.

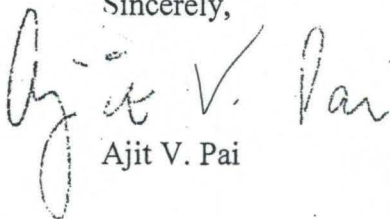
That is why I am proud to have proposed to my colleagues, and for the FCC to have adopted, the Tribal Mobility Fund Phase II at the Commission's February 23 meeting. That Fund will direct approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next-generation services.

In the same vein, in early February, I circulated to my colleagues an order that would assist carriers serving Tribal lands in deploying, upgrading, and maintaining modern high-speed networks. The order recognizes that carriers serving Tribal lands incur costs that other rural carriers do not face, resulting in significantly higher operating expenses to serve very sparsely populated service areas. The proposal I have put before my colleagues would allow carriers serving Tribal lands a greater ability to recover operating expenses, thus improving the financial viability of operating a broadband network serving Tribal lands.

Additionally, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. I have attached the letter I sent to Mr. Russell Begaye, President of the Navajo Nation, detailing that situation.

These are just some of the Commission's efforts to connect those on Tribal lands. I look forward to continue working with you as we move forward. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 7, 2017

The Honorable Martin Heinrich
United States Senate
303 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Heinrich:

Thank you for your letter regarding the importance of addressing the lack of broadband on Tribal lands in which you correctly note that I pledged to take action to address the digital divide on Tribal lands. I take this pledge seriously. Last September, when announcing my Digital Empowerment Agenda I explained that "... 41% of those living on Tribal lands lack adequate access" to broadband.

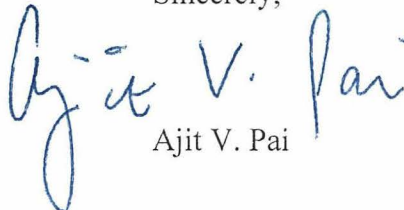
That is why I am proud to have proposed to my colleagues, and for the FCC to have adopted, the Tribal Mobility Fund Phase II at the Commission's February 23 meeting. That Fund will direct approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next-generation services.

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Sincerely,

A handwritten signature in blue ink that reads "Ajit V. Pai". The signature is stylized with a large, flowing "A" and "Pai".

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 7, 2017

The Honorable Ben Ray Luján
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Luján:

Thank you for your letter regarding the importance of addressing the lack of broadband on Tribal lands in which you correctly note that I pledged to take action to address the digital divide on Tribal lands. I take this pledge seriously. Last September, when announcing my Digital Empowerment Agenda I explained that "... 41% of those living on Tribal lands lack adequate access" to broadband.

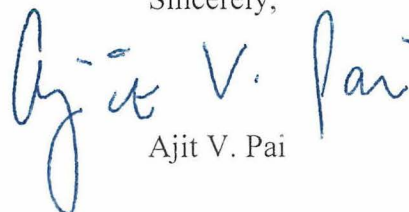
That is why I am proud to have proposed to my colleagues, and for the FCC to have adopted, the Tribal Mobility Fund Phase II at the Commission's February 23 meeting. That Fund will direct approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next-generation services.

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Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 7, 2017

The Honorable Steve Pearce
U.S. House of Representatives
2432 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Pearce:

Thank you for your letter regarding the importance of addressing the lack of broadband on Tribal lands in which you correctly note that I pledged to take action to address the digital divide on Tribal lands. I take this pledge seriously. Last September, when announcing my Digital Empowerment Agenda I explained that "... 41% of those living on Tribal lands lack adequate access" to broadband.

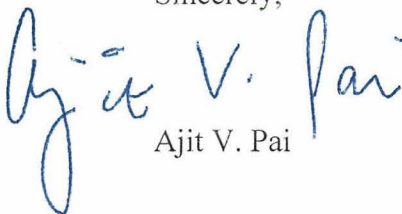
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 7, 2017

The Honorable Tom Udall
United States Senate
531 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Udall:

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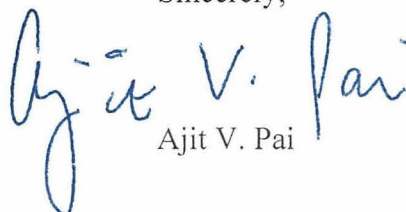
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